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Security Council

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Letter dated 23 June 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the Agreement between the Government of the Republic of Sudan and the Sudan People's Liberation Movement on temporary arrangements for the administration and security of the Abyei Area, signed in Addis Ababa on 20 June 2011 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

* Reissued for technical reasons on 24 June 2011.

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Annex

Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement on temporary arrangements for the administration and security of the Abyei Area

[Original: English]
Addis Ababa, 20 June 2011

Introduction

1. This Agreement between the Government of the Sudan and the Sudan People's Liberation Movement (SPLM) (hereinafter, the Parties) provides for temporary administrative arrangements for the Abyei Area and for the redeployment of Sudanese military forces (Sudanese Armed Forces and Sudan People's Liberation Army) from the Abyei Area, immediately consequent on the deployment of an Interim Security Force for Abyei (ISFA) composed of Ethiopian troops.

2. The provisions of this Agreement shall not prejudge the final status of the Abyei Area whose borders have been defined by the Permanent Court of Arbitration. Except as modified by the terms herein, this Agreement respects the provisions of the Protocol on the Resolution of the Conflict in the Abyei Area (the Abyei Protocol). The 1 January 1956 line between the north and the south will be inviolate, unless changed as a result of the outcome of the referendum foreseen in the Abyei Protocol or other decision of the Parties on the final status of Abyei.

3. The Parties request the African Union and the United Nations to support this Agreement and its implementation.

I. Abyei Area Administration

4. The Abyei Area Administration shall consist of a Chief Administrator, a Deputy Chief Administrator and five heads of department.

5. The Chief Administrator shall be a nominee of SPLM, agreed by the Government of the Sudan. The Deputy Chief Administrator shall be a nominee of the Government of the Sudan, agreed by SPLM. In each instance, the nominating Party shall make three nominations for each position, from which the other Party must agree on one. Of the five heads of department, three shall be nominees of SPLM and two shall be nominees of the Government of the Sudan.

6. The Abyei Area Administration shall exercise those powers contained in the Abyei Protocol, paragraph 2.5, with the exception of subparagraph 2.5.2 ("Supervise and promote security and stability in the area"), which shall be deleted, with the powers transferred to the Abyei Joint Oversight Committee (section II below).

7. Decisions of the Executive Council shall be made by consensus. A quorum of the Executive Council shall be five members present.

8. The Abyei Area Council shall continue to be composed of twenty members consistent with the Abyei Protocol. The Chairperson of the Council shall be elected

by the members of the Council from a list of three (3) persons nominated by the Government of the Sudan.

9. The Parties shall constitute a committee to nominate and agree on the Abyei Area Administration including the Chief Administrator and Deputy Chief Administrator, by 22 June 2011. The Parties shall exchange their respective nominations by no later than 21 June 2011.

II. Abyei Joint Oversight Committee

10. There shall be established an Abyei Joint Oversight Committee which shall be composed of four members. Each Party shall appoint two members to the Oversight Committee. Two members of the Oversight Committee shall serve as joint chairs, one nominated by each Party.

11. The African Union Commission Chairperson shall appoint a non-voting member as a facilitator to assist the work of the Abyei Joint Oversight Committee.

12. The ISFA Force Commander shall attend the Abyei Joint Oversight Committee as a non-voting member when security matters are under discussion.

13. The Abyei Joint Oversight Committee shall exercise, on behalf of the President of the Sudan and the President of Southern Sudan, political and administrative oversight of the Executive Council, and shall submit a monthly report to the President of the Sudan and the President of Southern Sudan, for as long as this mechanism remains in place.

14. The Abyei Joint Oversight Committee shall, in accordance with paragraph 6 of this Agreement, assume those powers allocated to the Abyei Executive Council in subparagraph 2.5.2 of the Abyei Protocol.

15. The Presidents may jointly direct the Abyei Joint Oversight Committee to deal with any matter relating to Abyei, including in the case of deadlock in the Executive Council.

16. In the event of deadlock within the Abyei Joint Oversight Committee, the Co-Chair of the Oversight Committee may refer any question to the Presidents for their guidance. The opinions and recommendations of the non-voting member of the Oversight Committee shall be forwarded along with the referral.

17. The Executive Council shall submit a weekly report to the Abyei Joint Oversight Committee, giving an overall picture of the situation in the Abyei Area, including security-related matters.

18. The Abyei Joint Oversight Committee may direct the Executive Council or any official or committee of the Abyei Area to provide it with a report on any matters within its powers. The Oversight Committee may hold meetings with the Executive Council to discuss any matter within its mandate.

III. Finance

19. The Abyei Area Executive Council shall draw up a budget for review and approval by the Abyei Area Council. The Government of the Sudan and the Government of Southern Sudan shall jointly finance that budget.

IV. Security arrangement

20. With the exception of ISFA, the Abyei Area shall be demilitarized. Any Sudanese Armed Forces and Sudan People's Liberation Army forces shall redeploy out of the Area. Henceforth, all other forces, apart from ISFA, shall remain outside the boundaries of the Abyei Area, as defined by the Permanent Court of Arbitration.

21. As soon as authorized by the United Nations, ISFA shall deploy in the Abyei Area.

22. A Joint Military Observation Committee, consisting of an equal number of observers from the two Parties shall be stationed in Abyei. The Force Commander of ISFA shall chair the Observer Committee. The Observer Committee shall liaise with ISFA in carrying out its functions.

23. The military observers shall form Joint Military Observer Teams. The military observers shall be unarmed. They shall be protected by ISFA.

24. The Joint Military Observation Committee will submit reports to the Abyei Joint Oversight Committee.

25. An Abyei Police Service shall be established. The Abyei Joint Oversight Committee shall determine its size and composition.

26. A special unit of the Abyei Police Service shall deal with the particular issues arising from nomadic migration including accompanying nomads within the Abyei Area on their annual migrations.

V. Interim Security Force for Abyei

27. The Interim Security Force for Abyei shall be established to undertake the following roles:

(a) Monitoring and verification;

(b) Protection of monitoring teams;

(c) Security within the Abyei Area;

(d) Protection of the borders of Abyei from incursions by unauthorized elements;

(e) Support and capacity-building to the Abyei Police Service;

(f) Facilitation and protection of humanitarian assistance;

(g) Protection of civilians under imminent threat.

28. The Government of the Sudan, SPLM and the United Nations shall constitute a joint committee with the Government of Ethiopia to draft the mandate for ISFA, based upon the roles specified in paragraph 27 of this Agreement. The draft shall be submitted to the United Nations Security Council. The committee shall complete its work no later than 21 June 2011.

29. The Government of the Sudan and SPLM will request the United Nations Security Council to approve the deployment and mandate of ISFA, with the understanding that the mandate referred to in paragraph 27 of this Agreement shall

not be changed without the agreement of the Government of the Sudan, SPLM and the Government of Ethiopia.

30. ISFA shall consist of one brigade (armoured) provided by the Ethiopian National Defence Force. The Force Commander shall be an Ethiopian officer of the rank of brigadier general or above.

31. ISFA shall be deployed and financed by the United Nations on the basis of the above mandate.

32. ISFA shall work to implement this mandate in collaboration with the Parties, the Abyei Area Administration and the Abyei Joint Oversight Committee. It shall be led by a Force Commander who shall report to the United Nations.

33. The ISFA Force Commander shall brief the Abyei Joint Oversight Committee regularly on the situation pertinent to his responsibility.

34. Immediately on the authorization of the United Nations Security Council, an ISFA advance team shall be despatched to the Abyei Area to finalize detailed deployment plans, the plans for the establishment of the Joint Military Observation Committee and the details for the demilitarization of the Area.

35. ISFA will be deployed according to the schedule contained in annex A of this Agreement.

VI. Humanitarian activities

36. All displaced former residents of Abyei have the right to return to their former places of residence. The Parties shall facilitate the rapid return of internally displaced persons.

37. The Parties shall ensure that humanitarian assistance reaches those in need and shall facilitate the work of the United Nations and other humanitarian agencies.

38. The Parties shall make a joint appeal for assistance for return and rehabilitation of people displaced or otherwise affected by the conflict, including assistance to those who have lost livelihoods, income or assets.

VII. Pastoralist migration

39. Consistent with the Abyei Protocol, pastoral nomads shall enjoy rights of migration and access to pasture and water in accordance with traditional migration routes in the Abyei Area.

VIII. Process for resolution of the final status of Abyei

40. The Parties reiterate their commitment to resolve peacefully the final status of Abyei, and shall therefore consider, in good faith, proposals that the African Union High-level Implementation Panel shall make to resolve this matter. The Panel shall be advised by the President of the Sudan and the President of the Government of Southern Sudan on the time frame within which to present its proposals.

41. This Agreement and the Abyei Protocol (except as modified by the terms herein) shall continue to apply until such time as the final status of Abyei has been resolved.

42. Any question regarding the interpretation of this Agreement shall be determined by the Abyei Joint Oversight Committee. In the event that the Observation Committee fails to agree on an interpretation, the Co-Chairs may refer the question to the Presidents for their joint resolution.

IX. Effective date

43. This Agreement shall come into force upon signature, and shall be implemented in accordance with the timelines indicated in annex A to the Agreement.

Signed on 20 June 2011

(*Signed*) Idriss Abdel Gadir
Government of the Sudan

(*Signed*) Pagan Amum Okiech
Sudan People's Liberation Movement

Witnessed by

(*Signed*) Thabo Mvuyelwa Mbeki
African Union High-level Implementation Panel

Annex A

Timeline of activities

D-Day	United Nations Security Council authorization
D plus 1	Deployment of advance party (advon 1) to Abyei
D plus 3	Completion of rules of engagement and status of forces agreement
D plus 5	Deployment of advance party (advon 2)
D plus 9	Deployment of main body
D plus 10-13	Relief in place (redeployment and handover of responsibility)